

Case No. _____

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

SIDNEY LYLES III

Plaintiff,

v.

Columbia Public Schools District, et al.,

The Curators Of The University -

Of Missouri, et al

Boys And Girls Town Of Missouri, et al.,

Defendants.

PLAINTIFF'S PRELIMINARY COMPLAINT AND DEMAND FOR JURY TRIAL

Jury Trial Demanded Pursuant to the
Seventh Amendment to the United States
Constitution, Rule 38 of the Federal Rules
of Civil Procedure, Section 102 of the Civil
Rights Act of 1991, 42 U.S.C. § 1981a.
and the Interest Of Justice.

Plaintiff's In Camera And Under Seal
Preliminary Complaint And Demand For Jury Trial

COMES NOW, Plaintiff, by and through self-representation, pro se, hereby submit that this legal action is brought to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII"), the Civil Rights Acts of 1866, 1871, 1991, 42 U.S.C. § 1981, Missouri Human Rights Act RSMO § 213.010, Missouri Common Law, Executive Order 11246, the First, Fifth, Seventh, Eighth, Ninth, Thirteenth and Fourteenth Amendments to the United States Constitution, Lilly Ledbetter Act, and therein to enforce my employment, civil, constitutional and human rights.

JURISDICTION

1. Plaintiff invokes this Court's jurisdiction under 28 U.S.C. § 1331, § 1337, § 1343, § 1345, 42 U.S.C. § 1981, § 1983, § 1985, § 1986, Rule 60B FRCP, and the above cited laws. Plaintiff invokes this Court's pendent jurisdiction with respect to his claims based on the common law of the state of Missouri.

PARTIES

2. Plaintiff, Sidney Lyles III, is a Black male citizen of the United States and at all times material to this legal action resides in the City of Columbia, Boone County, Missouri.
3. The Defendants, (1) Columbia Public Schools District, Columbia Public Schools District Board of Education (CPS), (2) The Curators of The University of Missouri University of Missouri-Columbia (CUM), and (3) Boys And Girls Town of Missouri, Boys And Girls Town Board Directors, Board of Trustees (BGT), are "body politic and corporate", "political subdivisions, government bodies or corporations created, organized and existing pursuant to the laws of the State of Missouri.
4. The Defendants are employers within the meaning of 42 U.S.C. Section 2000e (b) and persons within the meaning of 42 U.S.C. Section 2000e (a).

5. The Individual Defendants, include but is not limited to (1) (CPS) DR. Mary A. Laffey, DR. Jack Jensen DR. Phyllis Chase, Debra Barksdale Superintendent Chris Belcher, John Doe and Jane Doe (2) (CUM) Daniel Crumly, Brian Ledbetter, Candace Whittet George Russell, Charles Kiesler, Chancellor Brady Deaton, Director of Human Resource, John Doe and Jane Doe (3) (BGT) Dawna Mavel, Director of Human Resource, Director of (BGT), John Doe and Jane Doe, are citizens of the United States and at all relevant times the employees, administrators, officials, agents acted in the evil and unlawful interest of the Defendants (1) (CPS) (2) (CUM) (3) (BGT). Each or every individual Defendant is sued in their official and individual capacities.

RELEVANT FACTS

6. Plaintiff, a Black male, submit that the Defendants (CPS) (CUM) (BGT) and

the individual Defendants have recently refused to rehire or hire Plaintiff in the following positions because of Plaintiff's race, color, ethnicity, sex retaliation or other protected activities.

- a. (CPS)
1. Assistant To The Principal
 2. Home-School Communicator
 3. Substitute Teacher
 4. Para-Professional
 5. After-School Tutor
 6. 1/2 Time District Support For 504
 7. Playground And Cafeteria Supervisor

- b. (CUM)
1. Student Service Coordinator

- c. (BGT)
1. Cottage Life Supervisor
 2. Youth Care Specialist
 3. Youth Advisor
 4. Overnight Youth Care Specialist

7. Plaintiff submit that he filed timely charges of employment discrimination and retaliation with the St. Louis District Office-Equal Employment Opportunity Commissioner

8. Plaintiff submit the EEOC charge numbers are (CPS) (EEOC Charge No. 560-2010-02532), (CUM) (EEOC Charge No. 560-2010-02530), (BGT) (EEOC Charge No. 560-2010-02531)
9. Plaintiff submit the St. Louis Office EEOC has issued Dismissal And Notice Of Rights letters relevant to each Defendant and therefore all conditions precedent to the filing of this legal action have been performed or have occurred. Plaintiff has attached hereto a copy of each Dismissal And Notice Of Rights letters. See Plaintiff's Exhibit #1.
10. Plaintiff submit that the Defendants address of record are on the Dismissal And Notice Of Rights letters. In furtherance, Plaintiff submit the Defendants current persons to contact or individual Defendants telephone numbers are as follows:
 - a. (CPS) Dr. Mary A. Lattey (573) 214-3423
 - b. (CUM) Daniel Crumly (573) 882-7976
 - c. (BGT) Dawna Mavel (573) 874-8686

PLAINTIFF'S PRELIMINARY CAUSES OF ACTION OR CLAIMS

11. Plaintiff in support of his Preliminary Complaint And Demand For Jury Trial submit his preliminary causes of action or claims against the Defendants that include but not limited to the following:
- a. Failure To Hire
 - b. Retaliation
 - c. Violation Of Public Policy
 - d. Deprivation Of Constitutional, Federal, State Rights And Privileges
 - e. Defamation And Slander Of Character And Reputation
 - f. Conspiracy Against Legal Rights
 - g. Intentional And Negligent Infliction Of Emotional Distress
 - h. Class Action Failure To Hire And Retaliation
 - i. Negligent Supervision
 - j. Hostile Work Environment
 - k. Breach Of Implied Covenant Of Good Faith And Fair Dealing
 - l. Fraud
 - m. RICO
 - n. Continuous, Systematic And Institutional Violation of Civil Right

12. Plaintiff in further support of his Preliminary Complaint And Demand For Jury Trial and preliminary causes of action or claims submit the following prima facie cases and judicial cases.

a. Failure To Hire Prima Facie Case

1. Plaintiff is a member of a protected class (Black male).
2. Plaintiff applied for the Defendants' so noted jobs and the jobs were open.
3. Plaintiff was and is qualified for the jobs.
4. Plaintiff was not hired for the Defendant(s) job(s) notwithstanding his qualifications.

b. Retaliation - Prima Facie Case

1. Plaintiff participated in activities protected by Title VII
2. The Defendants were aware of Plaintiff's participation in the protected activities.
3. The Defendants subjected Plaintiff to adverse employment actions and there was and is causal

connection between the protested activities and the adverse actions.

Judicial Cases

1. Marbury v. Madison
2. McDonnell Douglas Corp v. Green
3. Burdine v. Texas Department of Community Affairs
4. Griggs v. Duke Power Co.
5. Albemarle Paper Co v. Moody
6. Price Waterhouse v. Hopkins
7. Hazelwood School District v. United States
8. Will v. Michigan Department of State Police
9. Fields v. Hallsville Independent School District
10. Davenport v. Riverview Garden School District
11. Swierkiewicz v. Sorema N.A.
12. EEOC v. Liberal R-II Sch. Dist
13. Flowers v. United States Postal Service
14. Doe v. City of Belleville
15. EEOC v. Steamship Clerks Union
16. Brooks v. Ameren UE
17. Mitchell v. Los Angeles County Superintendent
18. Mendoza v. Regents of University of California
19. Williams v. County of Los Angeles
20. Briggs v. Anderson

PLAINTIFF'S MOTION FOR IN FORMA PAUPERIS STATUS AND COURT APPOINTMENT OF COUNSEL

13. Plaintiff, In The Interest Of Justice respectfully request or move this COURT to grant Plaintiff In Forma Pauperis Status and COURT Appointment Of Counsel based on undisputable exceptional circumstances and pursuant to Title 28 U.S.C. Section 1915.
14. Plaintiff submit that the Defendant's unlawful and wrongful acts in each cause of action of this Complaint have damaged and injured Plaintiff in his person and property. Said unlawful or wrongful acts were undertaken willfully, wantonly, maliciously with evil motive and with reckless disregard and indifference for Plaintiff's constitutional, federal, state, civil employment and human rights. As a direct and proximate result of the Defendant's unlawful and wrongful acts Plaintiff has lost economical and occupational opportunities and has suffered severe emotional distress, pain and suffering, embarrassment and humiliation

WHEREFORE, Plaintiff prays this COURT enter judgment in his favor against the Defendants, individually and collectively, as follows:

Enjoin the Defendants from further Failure To Hire and Retaliation against Plaintiff and other Black male job applicants and former employees in violation of Title VIII and other constitutional federal and state laws.

Order the Defendants to hire, rehire or reinstate Plaintiff in a former position.

Order the Defendants to make Plaintiff whole to include but not limited to back pay, interest compensation for lost benefits, retroactive seniority, compensatory damages and punitive damages.

Order the Defendants to make whole any and all persons adversely affected by the Defendants unlawful employment practices or action

Award such additional relief as justice may require or the COURT deems just and proper.

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial of all issues so triable pursuant to the Seventh Amendment to the United States Constitution, Rule 38 of the Federal Rules of Civil Procedure, Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a and the Interest Of Justice.

Sidney Lyles III
Sidney Lyles III
Pro Se Litigant
503 E. Nifong Boulevard, #328
Columbia, MO 65201

CERTIFICATE OF NONSERVICE

I Sidney Lyles III hereby certify that a true and correct copy of the foregoing was not mailed to the Defendants due to the exceptional and pending circumstances and the complaint was filed in camera and under seal.

Sidney Lyles III